



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

June 15, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#46 JUNE 15, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO UNIVERSE AT NANTUCKET CREEK (DE), LLC
SANTA SUSANA CREEK - PARCEL 48
IN THE CITY OF LOS ANGELES
SUPERVISORIAL DISTRICT 5
(3 VOTES)**

SUBJECT

This action is to approve a grant of an easement from the Los Angeles County Flood Control District to Universe at Nantucket Creek (DE), LLC, for road purposes along Santa Susana Creek in the City of Los Angeles.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Find this transaction is categorically exempt from the California Environmental Quality Act.
2. Find that the grant of an easement for road purposes and the subsequent use of said easement will not interfere with the use of Santa Susana Creek for any purposes of the Los Angeles County Flood Control District.
3. Approve the grant of an easement for road purposes from the Los Angeles County Flood Control District to Universe at Nantucket Creek (DE), LLC, across Santa Susana Creek, Parcel 48, in the City of Los Angeles.

4. Instruct the Chair of the Board of Supervisors to sign the Easement document and authorize delivery to Universe at Nantucket Creek (DE), LLC.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain your approval from the County of Los Angeles Board of Supervisors (Board), acting as the governing body of the Los Angeles County Flood Control District (LACFCD) to grant an easement for road purposes across Santa Susana Creek, Parcel 48, in the City of Los Angeles, from the LACFCD to Universe at Nantucket Creek (DE), LLC (Universe). The granting of an easement will remedy an encroachment by Universe across Santa Susana Creek.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The revenue received from this transaction will help promote fiscal responsibility for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

Universe paid \$15,000 to cover the cost to process the easement. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Santa Susana Creek, Parcel 48, is located between Nordhoff Street and Plummer Street, in the City of Los Angeles.

When the LACFCD acquired the land to Santa Susana Creek in the 1960s, an easement was reserved over Parcel 48 for road purposes to the underlying seller and its successors in interest (Universe). The easement provides access between two parcels now owned by Universe. Universe discovered that the road improvements were inadvertently constructed outside the easement area and requested the LACFCD to grant them a new easement. In exchange, Universe offered to quitclaim its original easement back to the LACFCD.

The proposed grant of easement is authorized by Section 2, Paragraph 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have the power... 13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or any part thereof, is no longer required for the purpose of the district..."

The granting of this easement is not considered adverse to the LACFCD's purposes and will not hinder the use of Santa Susana Creek for possible transportation, utility, or recreational corridors. Moreover, the instrument reserves paramount rights for LACFCD purposes.

The enclosed Easement document has been approved by County Counsel as to form and will be recorded.

ENVIRONMENTAL DOCUMENTATION

This transaction is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA guidelines and Class 5(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the granting of easements to private citizens.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the joint use of the LACFCD's right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter and the executed original Easement document to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER
Director

GF:SGS:hp

Enclosures

c: Auditor-Controller (Accounting Division - Asset
Management)
Chief Executive Office
County Counsel
Executive Office

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

Universe at Nantucket Creek (DE), LLC
350 South Beverly Drive, Suite 210
Beverly Hills, CA 90212
Attention Mr. Henry Manoucheri

Documentary Transfer Tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Space Above This Line Reserved for Recorder's Use

Assessor's Identification Number:
2727-021-907 (Portion)

By _____

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to UNIVERSE AT NANTUCKET CREEK (DE), LLC, a Delaware limited liability company (hereinafter referred to as GRANTEE), an easement for road purposes, together with ingress and egress, in, on, over, and across the real property in the City of Los Angeles, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

Subject to all matters of record and to the following reservation and conditions, which GRANTEE, by the acceptance of this Easement and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. All uses by GRANTEE pursuant to this Easement shall be subordinate to DISTRICT's paramount right to use said land for flood control purposes.
2. GRANTEE shall not perform or arrange for the performance of any construction or reconstruction work in, on, over, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval shall not be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

File with: **SANTA SUSANA CREEK 48**
89-RW 3.2
I.M. 189-097
S.D. 5 M0625001
Proj. ID: MPR0000056

3. GRANTEE shall indemnify and save harmless DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, and employees, may be subjected as the result of any act or omission by GRANTEE, its officers, agents, or employees, arising out of the exercise by GRANTEE, its officers, agents, or employees, of any of the rights granted to it by this Easement.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement.
5. The reservation and conditions contained in this Easement document shall be binding upon GRANTEE, its successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this Easement applies, and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this Easement document, and provided further that the assessment be levied following GRANTEE's exercise of these easement rights, to construct such structures and improvements, GRANTEE shall pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT, which is based on the value contributed to that area, by GRANTEE's said improvements.

Dated June 15, 2010



LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By *Gloria Molina*
Chair, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

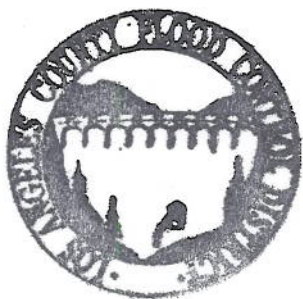
By *[Signature]*
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this 15 day of June, 2010, the facsimile signature of GLORIA MOLINA, Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By

Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN
County Counsel

By

Deputy

APPROVED as to title and execution,

_____, 20____.

DEPARTMENT OF PUBLIC WORKS
Survey/Mapping & Property Management Division

Supervising Title Examiner

By

EXHIBIT A

File with: **SANTA SUSANA CREEK 48**
89-RW 3.2
A.I.N. 2727-021-907 (Portion)
T.G. 499 (J7)
I.M. 189-097
S.D. 5
M0625001

LEGAL DESCRIPTION (Grant of easement)

That portion of that certain 60-foot wide strip of land in Lot 49, Section 24, Township 2 North, Range 17 West, Chatsworth Park, as shown on map recorded in Book 30, page 91, of Miscellaneous Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described as Parcel No. 48 in a Final Order of Condemnation, had in Superior Court Case No. 810827, a certified copy of which was recorded in Book D3361, page 957, of Official Records, in the office of said Registrar-Recorder/County Clerk, within a strip of land 14.00 feet wide, lying 7.00 feet on each side of the following described centerline and its southwesterly prolongation:

Commencing at the northwesterly terminus of that certain course having a bearing and length of N. 26°59'01" W. 697.32 feet in the centerline of said Parcel No. 48; thence South 26°59'01" East 63.90 feet along said certain course to the TRUE POINT OF BEGINNING; thence North 63°00'59" East 30.00 feet.

The sidelines of the above-described 14.00-foot-wide strip of land shall be prolonged or shortened northeasterly and southwesterly so as to terminate in the northeasterly and southwesterly lines, respectively, of said Parcel No. 48.

Containing: 840± s.f.

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

APPROVED AS TO DESCRIPTION

COUNTY OF LOS ANGELES

By _____
SUPERVISING CADASTRAL ENGINEER III
Survey/Mapping and
Property Management Division